

CITY OF LYNN

Regular City Council Meeting – March 8, 2016 Council President Daniel F. Cahill, Presiding

Ten Councillors Present (Councilor Net absent)

Moment of Silence.

Pledge of Allegiance

Council President Cahill stated that Councilor Net was recuperating from surgery.

Motion made by Councilor Colucci and seconded by Councilor Barton to accept the Meeting Minutes of February 23, 2016.

Motion carried.

PUBLIC HEARINGS:

Public Hearing on an Ordinance Amending the City of Lynn Zone Ordinance Regulating Multi-Family High Rise Buildings in the WF1, WF2, WF3, WS and SHCO Districts.

The following appeared in Favor:

James M. Cowdell, Director of EDIC

Eric Loth, Jr., 231 Sutton Street, North Andover, Minco Development Corp.

The following appeared in Opposition:

Jose Palmer, 467 Summer Street, Lynn

Louise Fortune, 386 Chestnut Street, Lynn

Dara Chhim, 51 Bayview Avenue, Lynn

David Gass, 150 Lynnway

Seth Albaum, 7 Central Square, Lynn

Ugo Emedosi, 82 Cottage Street, Lynn

Thelma Rosales, 11 Olive Street, Lynn

Yudelka Lovera, 24 Trinity Avenue #3, Lynn

Oscar Ross, 11 Olive Street, Lynn

Brandon Perez, 2 Hamilton Avenue, Lynn

Issac Hodes, 28 Flint Street, Lynn

Jonathan Feinberg, 18 Empire Street, Lynn

Show of Hands – 35 residents

Public Hearing Closed.

Council President Cahill stated that the Council received a letter of support from James M. Cowdell, Director of EDIC and the Planning Board.

Motion made by Councilor Lozzi and seconded by Councilor Colucci to grant.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councilor Net absent).

Motion made by Councilor Capano and seconded by Councilor Lozzi to request the Chairman of the Housing and Elder Affairs Committee set down a meeting and to include representatives from LHAND to discuss the availability of affordable housing in Lynn to ensure there will remain sufficient affordable housing in the Greater Lynn area to meet the needs of the citizens.
Motion carried.

Petition of Fiesta Shows, Eugene Dean, for permission for a Carnival Fundraiser for the 4th of July Fireworks Fund at McManus Field, May 4-10.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Capano and seconded by Councilor Colucci to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

Petition of Fiesta Shows, Eugene Dean, for permission for a Carnival Fundraiser for the 4th of July Fireworks Fund at Keaney Park, June 1-7.

No one appeared in Favor.

The following appeared in Opposition:

Tony Hill, Memorial Park

Public Hearing Closed.

Motion made by Councilor Trahan and seconded by Councilor Colucci to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

Petition of Chestnut Street Realty Trust, Ashmat A. Rauf, for permission for a 2 story addition with 10 residential units above existing stores at 522-538 Chestnut Street.

The following appeared in Favor:

Attorney Sam Vitali

The following appeared in Opposition:

Gary Beaver, Lynn

Public Hearing Closed.

Motion made by Councilor Lozzi and seconded by Councilor Trahan to TABLE.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Children and Family Dentistry and Braces, Patrick Assioun, for permission for a sign permit at 319 Lynnway. (Capano)

-Petition of One Dollar Zone, Roberto Tobalino, for permission for a sign permit at 50 Boston Street. (Lozzi)

-Petition of Aries Café G, Greek African Social Club, Aregawe Berhe, for permission for a Malt and Wine License, 7 days, 12 noon to 1:00 a.m. at 39 Buffum Street. (Colucci)

Motion made by Councilor Colucci and seconded by Councilor LaPierre to set down for Public Hearings.

Motion carried.

UNFINISHED BUSINESS:

Motion made by Councilor Capano and seconded by Councilor LaPierre to remove from the Table the Petition of of Cellco Partnership d/b/a Verizon Wireless, Daniel Klasnick, Esquire, for permission to attach, maintain and operate small cell communications equipment on existing utility poles located within the City of Lynn right of way near the following locations: 99 Essex Street, 92 Franklin Street, Fecteau Way, 235 O'Callaghan Way, 85-91 Harbor Street, 68 Sylvia Street, 3 Wardwell Avenue and 68 Western Avenue.

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councilor Net absent; Councilor Lozzi absent at vote).

Motion made by Councilor Capano and seconded by Councilor LaPierre to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councilor Net absent; Councilor Lozzi absent at vote).

COMMITTEE REPORTS:

Report of the March 8, 2016 Committee on Ordinance and Rules recommending the following to be accepted:

A Proposed Ordinance Amending the Lynn Human Rights Commission to include:
Section 4:00 – Membership: 10) Any member absent from three consecutive meetings without justifiable cause may be removed by his/her respective appointing authority.

Motion made by Councilor Cyr and seconded by Councilor Barton to grant.

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councilor Net absent; Councilor Lozzi absent at vote).

REPORT ACCEPTED.

**Report of the March 8, 2016 Committee on Education and Environmental Affairs
Recommending the following to be accepted:**

Ordered that having convened in an open meeting on February 23, 2016, prior to the closing date, the Lynn City Council, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated on or before April 8, 2016, for the Tracy Elementary School, located at 35 Walnut Street, Lynn, MA 01905, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future for:

- Elimination of existing severe overcrowding;
- Prevention of severe overcrowding expected to result in increased enrollments;
- Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation expected and decrease related costs in a school facility;
- Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state approved local requirements.

and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant, or any other funding commitment from the Massachusetts School Building Authority, or commits the District of Lynn to filing an application for funding with the Massachusetts School Building Authority. **(Granted - Lays over to March 22, 2016).**

Motion made by Councilor Capano and seconded by Councilor LaPierre to grant.

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councilor Net absent; Councilor Lozzi absent at vote). (Lays over to March 22, 2016).

REPORT ACCEPTED.

Report of the March 8, 2016 Committee on Ways and Means recommending the following to be accepted:

Ordered that the City Comptroller take the following action:

Certify as an "Available Fund" the sum of Seventy Five Thousand Dollars and Zero Cents (\$75,000.00) from the United Way of Massachusetts Bay and Merrimack Valley for the Siemer/Project Rise Project FY16 Grant for the FY15/16 School year. Grant period 07/1/15-06/30/16.

Councillor Chakoutis attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order certifying as an “Available Fund” the amount of Seventy Five Thousand Dollars and Zero Cents (\$75,000.00) from the United Way of Massachusetts Bay and Merrimack Valley for the Siemer/Project Rise Project FY16 Grant for the FY15/16 School year. Grant period 07/1/15-06/30/16.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yeas and nays vote:

10 YES 0 NO (Councilor Net absent).

Emergency Order was then adopted by the following yeas and nays vote:

10 YES 0 NO (Councilor Net absent).

REPORT ACCEPTED.

Report of the March 8, 2016 Committee on Public Safety and Public Health Committee recommending the following to be accepted:

The following individual was approved as Constable:

Barnaby Fernandez, Lynn, MA – **Granted**

Motion made by Councilor Barton and seconded by Councilor Cyr to grant.

Motion carried by the following yeas and nays vote:

10 YES 0 NO (Councilor Net absent).

REPORT ACCEPTED.

Report of the March 8, 2016 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS (NEW)

Ardila, Daniel, 287 Sumner St. #2, Boston, MA 02128 - **DENIED**

Caban, Antonio, 22 Astor St. #2 – 30 Days Review - **Granted**

Cruz, Robinson, 78 Central Avenue #401- **Granted**

Rodriguez, Alfredo, 72 Collins St. #2- **Granted**

Rodriguez, Eddy, 434 Essex St. Salem, MA - **Granted**

LIVERY OPERATORS (NEW)

Deschene, Richard M., 4A Ober St. Beverly, MA -60 Day Review- **Granted**

Laurino, Matthew, 19 Hancock St. – 30 Day Review- **Granted**

Morena, Melissa, 1 Centennial Ave., Revere, MA- **DENIED**

Quijada, Geoffrey, 65 Centre St. #21- **Granted**

Rodriguez, Dulce J., 65 Centre St. #21- **Granted**

Joseph Pegoraro, Lynn - **Granted**

LIVERY SERVICE LICENSE

IQ Boston Transport, Inc. - **Granted**

(Quijada, Geoffrey), 65 Centre St. #21- **Granted**

SECOND HAND ARTICLE LICENSE RENEWAL

800-810 Lynnway, Miguel Shipping- **Granted**

SIGN LICENSES-RENEWAL 2016

495 Eastern Ave., Nails by Tina- **Granted**

AUTO REPAIR/FLAMMABLE LICENSE – NEW

59 Commercial St – Rolando's- **Granted with the standard stipulations**
 860 Western Ave - A & J Auto Repair- **Granted the standard stipulations**

AUTO REPAIR/FLAMMABLE LICENSE-RENEWAL

161 Chestnut St – Chutzpah Royale, LLC- **Granted**

FLAMMABLE LICENSE – RENEWAL

77 Alley St – American By Products, Inc- **Granted**

2 Circle Ave – LWS- **Granted**

390 Parkland Ave – LWS- **Granted**

400 Parkland Ave – LWS- **Granted**

325 Walnut St – LWS - **Granted**

CANNING:

East Lynn Little League (Adults Only) – June 2,3,4, 2016- **Granted**

Lynn English High Football (Adults Only) – August 11, 12, 13, 2016- **Granted**

Lynn English ROTC (Adults Only) – March 17, 18, 19, 2016- **Granted**

REPORT ACCEPTED.

Motion made by Councillor Colucci and seconded by Councillor Cyr to adjourn.

Notice of this meeting was posted in the City Clerk's Office at least forty-eight (48) hours in advance.

A True Copy Attest:

CITY CLERK